

NO MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

FILED

MAR 24 2017

DAVID DREWS, CLERK
BY Deputy

Lonnie Drain #119603
Antoine Owens #126918 Plaintiffs
~~Antoine Owens #126918~~
Marcus Gilbert #159185
Cedric Dixon #2154 Unit 29IA Zone 60 to

CASE NO.

4:17CV12-DMB-DAS

Pelicia Hall Interim Commissioner et al official & individual capacity
 Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Lonnie Drain #119603

B. Name under which sentenced:

Lonnie Drain

C. Inmate identification number:

119603

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Unit 29 I A-Zone M/S/P
P.O. Box 10 Parchman, MS 38738

E. Place of confinement:

Mississippi State Penitentiary

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Pelicia Hall Interim Commissioner

Title (Superintendent, Sheriff, etc.):

~~Interim Commissioner~~ Interim Commissioner

Defendant's mailing address (street or post office box number, city, state, ZIP)

633 North State Street
Jackson, Mississippi 39202

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 2

Name:

~~Mississippi~~ Mississipp. Dept. of Corrections

Title (Superintendent, Sheriff, etc.):

M. D. O. C.

Defendant's mailing address (street or post office box number, city, state, ZIP)

633 north State Street

Jackson, mississipp. 39202

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

Name:

Title (Superintendent, Sheriff, etc.):

Defendant's mailing address (street or post office box number, city, state, ZIP)

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court; state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? ☐ Yes ☒ No
4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

Defendant(s):

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? ☒ Yes ☐ No
6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). ☒ Yes ☐ No
7. If you checked "Yes" in Question 6, answer the following questions:

ND MISS. FORM P3, COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT (4/00)

PAGE 3

A. Does the grievance system place a limit on the time within which a grievance must be presented?

☒ Yes

☐ No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed?

☒ Yes

☐ No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

On or about I filed a grievance, and filled out an I tap MS Margaret Gibson refused to ~~per~~ copy and file it. The Adjudicator rejected my A.R.P. Saying one complaint at a time. I wrote Warden Morris and didn't receive an answer. I filed an A.R.P. on MS Gibson on 2-15-17, for not coming to get my legal mail; for not letting me see my work get copied and mail, she refuses to send me cases, the officers, in the Buildings, Superintendent ~~Lee~~ Ernest Lee, C.I.D., I wrote Commissioner Marshall Fisher, and Interim Commissioner Pelicia Hall but got no answers. In this first threat I was moved, only to be brought back in danger

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

The number 3 Box had an x that stated only one complaint/request will be accepted. If your letter contains more than one complaint/request, it will be rejected and returned to you. Cruel and unusual punishment is one complaint so I filed this 1983. One I received that I was told to leave it alone I'm wasting my time by Correction Officer Love who delivered the A.R.P.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

I was Sentenced to (M.D.O.C.) Mississippi Department of Corrections who is Responsible for my Health and Safety as well as being Governed by Interim Commissioner Pelicia Hall who under color of state law gave M.D.O.C., Officials, Staff, Case managers, ~~the~~ Adjudicator, Medical, everyone works for M.D.O.C. in Parchman MS, the order to Violate My ~~Right~~ ~~Right~~ Right of Cruel and Unusual punishment Conditions of Confinement, Denying My Right to access to the Courts, Violated my Right to be Free from harm and My Due process Rights. Commissioner Hall give the assignment to M.D.O.C. who passes down the orders down the Chain of Command ~~the~~ Everything Happened as follows on a additional ~~the~~ page 5...

10. State briefly, exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I want the court to grant me preliminary Injunction, Jury Trial, money damages and Injunction, and Better these Conditions as this Honorable Court sees fit. I asked that for the safety of my life that I am moved to Marshall County Correctional Facility. I ask that RVR # 01697204 is expunged from my records as well as all RVR's that I've caught since I've been on the grounds of MSP since June 16, 2016, with the restoration of my good time starting from that date.

This Complaint was executed at (location): Mississippi State Penitentiary
and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: 4-1-16

Lannie Drain #119603
Plaintiff's Signature

Continuation of Question 9

On or about Lonnie Drain #11903 An inmate told me that I need to leave the Building or I would be stabbed to death. I asked him how he know or figure that. He stated He is the one that is suppose to carry the Hit out at Parchman/M/S/P and IF I go to W.C.C.F.S.M.C.I., C.M.C.F., E.M.C.F. I will be stabbed and kill, My information and picture is already there. I go tell Case Manager Muggins & M.D.A.C. Staff that a threat was made on my life. I fear for my life because it's in danger. The Case Manager C.I.D. let me red tag the above facilities and moved me off Parchman ground on or about Jan. 30, 2015 to MCCF (Marshall County). M.D.A.C. and Commissioner Pelicia Hall (now comm.) is responsible for my life. At the time of the threat I wrote Commissioner Marshall Fisher 2015-2016 and didn't get an answer. On or about June 15, 2016 when I arrived back on M/S/P grounds my life is back in danger. I wrote warden Morris, Superintendent Lee, Commissioner Marshall Fisher and Pelicia Hall I filed an A.R.P. on Cruel and unusual Punishment Conditions of Confinement Protection from harm, 8th Amendment Right. The Adjudicator REjected my A.R.P. Stating to many complaints at one time. The Adjudicator Legal Claims Adjudicator violated my Due Process by committing that act. Also he committed Crimes being dishonesty, Cruel and unusual Punishment Conditions of Confinement is one complaint, and I have a 8th amend. and 14th Amend. Due Process Right that's being violated. Inmates die all the time here in Parchman. M.D.A.C. or Commissioner won't do nothing, when I've told them what's going on. So ~~now~~ I wrote the U.S. District Court on or about 3-13-17 to make it a matter of record that my life is in danger.

Adjudicator: the Adjudicator is unfair and reject all A.R.P.'s that's filed. I have a right to grieve about my Eighth Amend. Right But the Adjudicator falsified that Statement/Document and violated my Cruel and unusual Punishment Right Protection from harm right BY REJECTING my A.R.P. That's unconstitutional.

Continuation of question 9

This also violates my due Process Rights.

Disciplinary: Disciplinary is unfair and prejudice always. Disciplinary have never found me guilty based on Evidence, which is required by federal law Standards of Proof, Burden of Proof, Some Evidence. Everytime I went to disciplinary I've been found guilty based on Officers Statement. Disciplinary Officer Kenya Terry NEVER Dismiss R.U.R.'s with institutional Errors, forged and falsified R.U.R.'s Such as R.U.R. 01697204 where Officer Derrick Sanders said I refused to sign R.U.R. Notice the witness signature matches Taylor signature and that signature is unclear. Sanders never mentioned reason for cell search, how does a cell phone in the door belong to me when it's two people in the cell and over twenty inmates has access to the door. Also This is the white copy There have been two of the same R.U.R.'s wrote. PLEASE SEE RVR# 01697204 That's Crimen falsi. falsifying documents and being dishonest.

NEVER the less disciplinary officer Lt. Terry violated my due Process Rights and found me guilty based on Officer Statement. PLEASE SEE other R.U.R.'s where I was found guilty based on Officers Statement and not on Evidence, which is required by law 14th Amend Legal ~~Legal~~ Audicator Claims: The legal claims Audicator Resected my A.R.P. Stating one complaint at 2 time. Cruel and unusual Punishment conditions of confinement is one complaint. also there is no law Stating I can only file about one thing at a time. This is Prejudice also Conspiracy because They are covering for each other while committing crimes. Law Library / Legal mail: There are no books to check out. I can't go to the library. So Someone else make my copies, and read my litigation which violates my 1st amendment Privacy rights, and mail Rights. Im denied materials, MS Margaret Gibson come to the buildings at 5:00 A.M. to get your mail. Im not allowed to get copies made of my A.R.P.'s Im denied to Hand mail the courts. Im denied copies out my file.

Continuation of Question 9

Lockdown: I've been on lockdown since about 12-29-16 this time. Something happened in another building and the whole unit is lock down. Which is Capital Punishment also I'm in a two man cell 24 hrs. a day coming out 10 minutes Monday, Wednesday, and Friday for a shower. I have not gotten out of cell time since 12-29-16 and a yard call on or about 2015 I'm always depressed, stressed, and paranoid being in a cell with some ~~one~~ one, with no recreation, no school, no out of cell time at all. Also a threat has been placed on my life. I'm constantly being told what gonna happen to me. I'm being moved from cell to cell different people moving in out, I'm mentally and physically paralyzed from these conditions and Deliberent Indifferent standards M.D.A.C. is using. I'm lock down for something some one else did. I have to eat in the cell which is filthy, from urine smell and feces. There is never cleaning supplies, I lose my appetite a lot because of the smell. The sink is hook to the toilet and I have to drink water out. There is no fan in cell in the summer so it's very hot with the extra body it's hotter. I'm always told it's short on staff, it's 80 people in the building 2 in the cell with doors with keys, when something happens some one always die here in lock down. There's rats, roaches and massautias everywhere.

Capital Punishment: When something happened in one building everyone got lock down, EVERYONE'S canteen was, All T.V.s Taken, no school, no one can write out with not making commissary, there's no Indigent stamps, no phone calls, no visits, trays shorter on food, food cold half done, no hand mail. Just locked in a two man cell all day every day. I can't get news papers, or nothing. I've been cut off from the media, society, and my family. Because of what someone else done.

Continuation of Question 9

Classification/Security/Substantial Risk:

I was court ordered School, M.D.C. Classification/Case managers is denying that Court order and violating my federal mandated right to Education. There are other facilities with Education. I can't get out in ers because I'm housed over here. I'm housed here and my life is in danger. Also when someone's stuff gets found I gets wrote up. Not only wrote up, I get Privileges took, Painted a reclassified lock down a year in a two man cell, locked down 24 hrs. a day. It's a matter of record a threat was placed on my life, Ctd, Superintendent, and warden moved me only for Classification put my life in danger bringing me back. Inmates die/get kill often in here unit 29 At Parchman MS. I fear that's gonna happen to me.

Recreation: There is no recreation here. I haven't been on yard call since 2015 and out of cell time 12:29-16 for two hours which still violates the federal law. I've wrote to warden Morris, the Superintendent LEE, talk to Lt's Juanita Simmons, Lt. Meeks, Lt. Foster, Lt. Hampton Case managers Franklin, Robinson

Thompson, I've done A.R.P.'s that's been rejected, and I'm still not getting Recreation. I haven't got any other reply or response. I've wrote the Commissioner also my legs, back, body is stiff, and aches all the time without exercise. I'm depressed and stays stressed out from being locked in a two man cell all the time. I get into it with my roommates who tells me, I'm in the way, I use the bathroom too much, cut the light out etc. I'm about to lose my mind from lack of rec. I've lost weight, and stays weak.

Rights to Media: There's no Indigent Stamps, I can't buy any stamps off Commissary because commissary been took because of someone else's Altercation. There's no visit, I can't write my family, can't handmail the court because M.D.C. won't let me. M.D.C. and the Commissioner have cut off all communications to Society, and the media. There's no T.V. To watch the news. I can't get a news paper because I can't write. The case manager, nor Chaplin will provide no postage, or let me contact my family.

Continuation of Question 9

Housing/Shelter:

There's a major infestation of rats, roaches, and mosquitos. There's no exterminator to spray, mosquitos eat you up all the in the summer. Roaches crawl all over you as well as rats that causes me a lack of sleep. I'm not getting 8 hours sleep that's required by law. I stay off balance and sluggish. There's no fans for summer where it's extremely hot. The roof leaks when it rain. The hot water goes out for months at a time. Toilets ping pong. When someone flush their toilet the waste comes in my toilet. I see the case manager once who says she/they can't assist me because warden morris and Commissioner sent a memo around saying don't print copies or assist no inmates. Only print copy of a timesheet and account balance. There's no cleaning supplies, or nothing. Anything you/I ask the case manager they won't do it. I've been told this by case managers Franklin, Robinson
Thompson when the food

is short, trays cold, I can't get the right state issue, no gym shoes, or boots or shower shoes. And the case manager or no one in the building will assist me. The case manager is in control of housing who's denied my Drivers License, social security card which is required by House Bill 585. The shower drain stays clogged. The water in the shower is always ICE cold or scorching hot in which I can't take an adequate shower. It's always super hot, or freezing cold in temperature. It stays dusty, my eyes stay red and running because of poor ventilation. It's hard to breath, and I constantly sneezes because of the ventilation.

Fire Hazard:

All the doors need keys to open. It's 40 cells on each zone that need a key to open. If there is a fire everyone will die. If there's a natural disaster everyone will die. There is no fire plan here.

Continuation of question 9

ACCESS to Law Library: I've been constantly denied access to the Law Library. I arrived to M/S/P on or about 6-6-16. I filled out an I LAP form on or about 12-27-16 But never got a response, or received no supplies, cases, and my legal mail to the courts did not get mailed out. I filled out another I LAP form the next Sunday and still didn't get any assistance. On or about 1-10-17/3-15-17 I wrote warden, and filed a grievance on I LAP and ~~MS. Gibson~~ MS. Gibson on how she keeps denying my access to the U.S. District Court which is mail censorship. I tried to mail a letter Hand mail to the U.S. District Court, Hand mail but I was denied. It's "M.D.C. Policy and A.C.A. Standards to send out Handmail" to any court. Ms Gibson denied that as well by sending my letter back with Hand mail scratched through and with Postage Due 47 cents wrote on the front of the letter. That's mail censorship. Denying me access to the courts.

Asudicator:

I filed an A.R.P. on 1-10-17/3-15-17 and it was returned on 12/29/16 with REjected Stamped on it. I filed an A.R.P. for 8th Amend. Violation Cruel and unusual Punishment Conditions of Confinement, and the Legal Claims violated my rights and committing crimes falsi at the same time. The ~~ASudicator~~ ASudicator at M/S/P stated my A.R.P. is dismissed because of too many complaints. Which is Persuade because, ~~One~~ Cruel and Unusual Punishment is one complaint, a 8th Amend. violation. In which the ASudicator is committing Conspiracy Covering for all departments by not answering my A.R.P. which is a case of Lewis v. Washington when unit Administrators do not answer Initial Grievance of a Prisoner. Administrative Remedy is resolved.

Continuation of Question 9

Breach of Security & Protection from harm :

I wrote a letter to Case manager informing her that there were 6 Prisons to whom my life was endangered and that I could not be at because I had a hit on me this was 1-30-15. The Six that I wrote about were 1. Walnut Grove Correctional Facility 2. M/S/P 3. East Mississippi Correctional Facility 4. S.M.C.I. 5. Wilkinson County Correctional Facility 6. C.M.C.F.

I informed Case manager Mrs. Huggins that it had been made present that my life was endangered there.

On 1/30/15 was the first time I made it known to the staff members at M/S/P (at which I was housed) that my life was in danger here and I received threats and then a prominent notice that my life was in imminent danger as I saw guys huddling up as they usually do before being locked down. I immediately asked the officer, who was at the time a young male C/O working A-Bldg. in unit 29 by the name of C/O Alexander to lock me down because I couldn't go in the hallway because some of the same affiliate members who were in the hallway were the same ones of the order that was suppose to carry out the hit. After I got into my cell I wrote Case manager Mrs. Huggins who forward it to C.I.D. They had me moved to Ad-Seg until Feb. 18, 2015, which is the day I was moved. My offender track should have all this on record since C.I.D. had me locked down in Ad-Seg pending investigation also I had to go to medical for a check up to make sure that there was nothing wrong with me. I made sure to let it be known that I'm not apart of nothing ~~more~~ So I ~~am~~ ~~am~~ have no protection but my 8th Amend. Const. Right. I have carbon copies/tangible things, of this and all complaints that I filed. I named the Prisons in which I couldn't go & made it known how I was told that even ~~on~~ on PC my life would be put more in danger. Being that an Inmate had just got killed on PC at the time, also the bars were being broken/cut into and the guys that I were into it with have outstanding influence. Also I asked to be

Continuation of Question 9

Sent to a facility where I was safe and knew I could do my time without being harmed. I wrote several letters on the 7th of Feb 2015 to warden Morris, Associate warden Sturdivant and C.I.D. to make sure they knew how serious this is and I fear for my life. I kept copies and mailed copies home about this incident. All stating that I'm not apart of any organization, I was not protected by any organization and that my life was and is still in danger. I was moved to M.C.C.F. the only place I was safe to be moved back in danger. I wrote case managers, wardens, and filed A.R.P.'s that I didn't hear from. Legal Claims Adjudicator is illegally rejecting A.R.P.'s so I have no protection. I fear I'm gonna get killed here because M.D.C. is constantly placing my life in danger, violating my 8th Amend. Right. I can't shower, for the 10 minutes the give us unless everyone is locked down, or if K-9 is close to the building.

In the United States District Court for the Northern District
of Mississippi.

Lonnie Drain #119603 et.al

VS.

Comm. Pelicia Hall et.al

No:

Judge:

Jury Demand

Jury Trial Demanded
Complaint for Money Damages and Injunction

I. Jurisdiction

Plaintiff brings this lawsuit pursuant to 42 U.S.C. § 1983. This court has jurisdiction under 28 U.S.C. §§ 1331 and 1343 (a) (3). Plaintiff also seeks a declaratory judgment pursuant to 28 U.S.C. § 2201. Because I want to give Federal Court Jurisdiction to hear my case that I've brought against state officials while they were acting under color of state law when they violated my rights. SO. "This court has supplemental jurisdiction over Plaintiff's state-law claims pursuant to 28 U.S.C. § 1367.

II. VENUE

The U.S. District Court for the Northern District of Mississippi is an appropriate venue under 28 U.S.C. § 1391 (b) (2) because a substantial part of the events or omissions giving rise to claims occurred in this District.

Respectfully Submitted
Lonnie Drain #119603
Lonnie Drain #119603
Unit 29 I A-zone
Parchman, MS 38738

Certificate of Service

I hereby certify a true copy to be filed by the clerk this the
6th day of April 2017.

In The united States District Court for the northern
District of Mississippi

Lonnie Brain et al

VS.

Comm. Pelicia Hall et al

no: _____

Judge: _____

Jury Demand

Jury Trial Demanded

Complaint For Money Damages and Injunction

I. Jurisdiction

Plaintiff brings this lawsuit Pursuant to 42 U.S.C 1983. This Court has Jurisdiction under 28 U.S.C §§ 1331 and 1343 (a)(s). Plaintiff also seeks a declaratory Judgment pursuant to 28 U.S.C § 2201. Because I want to give federal court Jurisdiction to hear my That I've Brought against State Officials while they were acting under color of State law when they violated my Rights. So.

"This Court has Supplemental Jurisdiction over plaintiff's State-law Claims pursuant to 28 U.S.C § 1367."

II. Venue

The U.S. District Court for the Northern District of Mississippi is an appropriate venue under 28 U.S.C § 1391 (b)(1)(2) because a Substantial Part of the events or omissions giving rise to Claims occurred in this District.

~~Certified to Clerk~~



Certificate of Service

I hereby certify a true copy to be filed by clerk this the
7th day of April 2017

Respectfully submitted

Antoine Owens 126918

Antoine Owens 126918

Unit 29 J Azone Parchman MS 38738

In the U.S. District Court for Northern District of Mississippi

Lonnie Drain Et.al

VS

Comm. Pelicia Hall et.al

Case: _____

Judge: _____

Jury Demand _____

Statement of claim for additional Plaintiff Antoine Owens in the case

Of Lonnie Drain V. Pelicia Hall et.al is: "cruel and unusual Punishment" conditions of confinement 8th Amend. Claim and 1st Amend Claim for denial of access to the Courts. 1st Amend. Right for Mail censorship:

On or about May 23, 2016 I arrived at M/S/P unit 29 E Building to have my 8th Amendment violated, because (The Eight Amendment Imposes upon a county and obligation to provide its Prisoners with reasonably adequate Food, Clothing, Shelter, Sanitation, recreation and Medical Care. See

Grubbs v. Bradley, 550 F. Supp. 1052, 1119-1124 (M.D. Tenn 1982) ~~the failure to provide such necessities is a violation of inmates rights to be free from cruel and unusual punishment. Please see Bellamy v. Bradley, 724 F. 2d 416 (11th Cir 1984) these rights of cruel and unusual punishment was violated in the following manner.~~

Food:

The food in unit 29 come to us the offender in the unit cold, the styrofoam tray do not have the amount of calories that we supposed to have a day which is 2,900 Calories a day See S.O.P. 23-05-01, Initial Date 05-01-2002, Effective date 04-01-2011. The Breakfast Consist of eggs 1-2 tablespoons, Grits serve on a 4 oz spoon, oatmeal is also served on a 4 oz spoon when its suppose to be a 8 oz spoon. The biscuit are extra small. Nothing we are being served equals up to the total calories that should be served per day

Lunch:

at lunch we receive 2 pieces of Cold cut bologna, Greens, green beans, light bread, 1 cookie or 1 cake The greens carrots and green beans are half done. The turnip they served will be half done and unclean. either dirt, bugs, or Rocks in them. All small portions. we get bologna everyday except wednesday, which we get Peanut butter, greens and carrots or cabbage and salad or turnip greens

Supper:

It always some type of Soup or pattie, greens and carrots, beans or rice. It is always cold when it come to the cells. There are five basic food groups that government requires nutrition/adequate meal which is Meat, Bread, dessert, three vegetables, and beverage. here Its always 2 vegetables, dessert Sometimes meat. Watery Juice or coffee that tastes like water. Most the time we receive 1 sugar or no sugar at all. there's no salt or pepper. There is never salt or pepper in the food. Hot food is supposed to be served hot when i get my tray its always cold. this causes contamination, I've lost weight and focus for lack of an adequate meal. The dietician will and should ensure that the menu meets the National academy of Science allowances a minimum averse of 2,900 calories per day

Lockdown:

Housing unit 29 was on lock down when I was transfered from W.C.T. in March of 2016. I got hear on or about March 23, 2016 for something I don't know anything about I was then moved to housing unit 28 and was not on lockdown. The lock down that is being used, is Coprol Punishment to punish ~~to~~ ^{for} someone else. It also defeats the purpose for Disciplinary. I'm been locked down in a 2 man cell coming out only on Monday, Wednesday and Friday for 10 minutes showers. Two man cell suppose to get 8 hours out of cell time and a One hour Yard Cell. I'm not getting no time out at all. It's illegal to place two offenders on lockdown together never the less that's what's going on. The lock down is causing me a lack of sleep, stress and weight loss know that I have a threat to my life I was just moved to a not a bulldon. People are steadily dying in M/S/P because of Coprol Punishment: Commissary was stopped because of a altercation that happen in 29-H bulldon on Jan. 5, 2017 and ~~another~~ in 29/L I don't know the date that happen in 29/L bulldon. That defeat the purpose for disciplinary procedure. That have even gotten shorter on this lockdown.

Recreation:

There is never a yard cell or day room cell since 1-5-17. Which was a day room cell for ~~about~~ two hours which was not enough time out then I've lost weight, and gotten stiff, always hurting and depressing for lack of exercise.

Double Cellings:

When I came back to M/S/P on 11-13-16 I was house in 29-E bulldon witch was locked down. On 11-21-16 I was move ~~to~~ a two man cell in 29-H bulldon witch was on lockdown for something that I do not have any knowlege of, that is Coprol Punishment bringing offender of other facilities placing them on lock down for things they didn't do. That is Coprol Punishment, to punish everyone for someone else. It also defeat the purpose for Disciplinary. I'm in a two man cell approx 8x10 "when federal law requires 63 square feet. I'm on lock down for nothing. The LT. Say warden Timothy Morris said lock everyone down LT. Hapton Say Warden Morris said Commissioner Marshall Fisher in Jan. 5, 2017. On or about Feb. 12, 2017 I wrote a ARP about the lockdown the response said I've waited to long to file a ARP on this matter

Classification/Security/Substantial Risk?

I was court ordered to learn a trade. Classification/M.D.O.C is violating that court order and violating my constitutional rights to vocation school. There are many facilities that house C-Citizens with vocation school. Instead I'm being forced to stay in a facility where a threat has been placed on my life. Before I offender Antoine Owens #126919 has been place in three different cells and they was not searched before I entered the cell which violates M.D.O.C Policy. Please

Prisoners of Unit 32 v. EPPS

Housing/Shelter

There is a major infestation of Rats and Roaches year round as a problem with mosquitos. In the Summer Roaches crawl all over you, as well as Rats carry diseases as well as mosquitos. There is no Air. Fans are on the rise not in the cells where the heat in the Summer I'm housed in Jachman for M.D.O.C. So its M.D.O.C's Job to take care of me cause im unemployed and have a right 8th Amendment to be protected from harm. I have to eat in my cell which is unclean, There is never cleaning supplies to clean the toilet, and floor. The toilet stinks and is naturally unclean to eat in the bathroom. There is no cups, no ice, or water. I have to drink water out of the toilet because the sink is connected to the toilet. This cruel and unusual punishment, the building leaks when it rains. The water is always extremely hot or extremely cold. I've caught a cold several times, everyone gets a cold at different times and keeps passing it around the zone. Every time i get well i catch a cold from someone else I cant get no assistance, the case manager is not allowed to help anyone only print time sheets and account balances, I cant get any copies out my file to do no litigation on my behalf

Rights to media

There is no indigent stamps, decedant etc. no commissary to order nothing, no phone calls. I cant go to the library to file my legal work. M/S/P dont even let you hand mail the court here. I've been cut off from society. I cant get a news paper because I cant get a stamp. I cant write my family either. I've tried to get my social security card, license which is permitted by house bill 585, But im denied education, job, Dental. I cant get no help here in M/S/P no where my life is in danger here.

Certificate of Service

I Antoine Owens do hereby state that on this 6th day of April 2017 Have mail Pre Paid Postage And a true Current COPY of attach Instrument to the following

So Certify this the 6th day of April 2017

Antoine Owens
Antoine Owens
Unit 24-I cell 25 Bed #20
Parchman MS, 38738

In The United States District Court for the Northern
District of Mississippi

Lonnie Drain[#] et al

VS.

Comm. Felicia Hall et al.

NO: _____
Judge: _____

Jury Demand _____

Jury Trial Demanded

Complaint for money damages and injunction

I. Jurisdiction

Plaintiff brings this lawsuit pursuant to 42 U.S.C 1983. This Court has Jurisdiction under 28 U.S.C 99 1331 and 1343(a)(3). Plaintiff also seeks declaratory Judgment pursuant to 28 U.S.C 2201. Because I want to give Federal Court Jurisdiction to here ~~my~~ My That I've brought ~~the suit~~ against State officials while they where acting under color of State law when they Violated my Rights So. This Court has Supplement Jurisdiction over Plaintiff's State-law Claims to 28 U.S.C 9 1367."

II. Venue

The U.S. District Court for the Northern District of Mississippi is an appropriate venue under 28 U.S.C 9 1391(b)(2) because a Substantial part of the events or omissions giving rise to claims occurred in the District

Respectfully Submitted
Marcus J. Jeff #159185
Marcus J. Jeff #159185
Unit 29 I Zone
Parchman, MS 38738

Certificate of Service

I hereby certify a true copy to be filed by clerk this the
6th Day of April 20

In The U.S. District Court for North District of Mississippi

Lonnie Drain et al
VS.

Commissioner Pelicia Hall et al

Case: _____

Judge: _____

Jury demand _____

Statement of Claim for additional Plaintiff Marcus Gilbert #159185
in the case of Lonnie Drain v. Pelicia Hall IS: Cruel and unusual Punishment" Conditions of
Confinement 8th Amend. Claim and 1st Amendment claim for Denial of Access to the Courts
1st Amend. Right for Mail censorship:

On or about March 13, 2017 I Arrived at M5/P unit 29 I building to have My 8th
Amendment Violated, Because (The Eighth Amendment imposes upon a county and obligation to
Provide Its Prisoners with Reasonably Adequate Food, Clothing, Shelter, Sanitation, recreation, and
medical care. See Grubbs v. Bradley 552 F Supp. 1052, 1119-1124 (M.D. Tenn. 1982) The failure
to Provide such necessities is a violation of an inmates right to be free from cruel and unusual
Punishment. Please see Bellamy v. Bradley, 729 F.2d 416 (11th Cir., 1984) These Rights of Cruel
and unusual Punishment was violated in the following Manner:

Food:

The food comes in Styrofoam plates which the food is always cold, Short of food
and small portions for Breakfast. Its either eggs (about two ~~two~~ tablespoons or less), Grits (in equal
proportion to the eggs, 1 slice of bacon, and biscuit, or light bread, or small portions of oatmeal, 1
small sausage link, ~~one~~ biscuit & Jelly, or a cut meal biscuit and syrup all small portions 3 never
equalling up to the proper portions of calories per day or per meal diet.
For lunch we receive two cold pieces of bologna, greens, green beans, light bread 1
cookie or 1 cake, or cold bologna, half done cabbage, and half done carrots, 1 cookie or 1 cake,
or cold bologna, half done cabbage, half done carrots and one cookie or 1 cake or pudding, or half
done turnups greens that's unclean with either dirt, bugs, or rocks in them. All small portions.
Everyday is bologna except wednesday which is Always peanut butter, greens and carrots or
cabbage and salad, or turnup greens and carrots for supper; Its some type of soup or pattie,
greens and carrots and beans, cookie or pudding or ~~one~~ brownie. All servings are small and cold
There is five basic food groups in which government requires a nutrition adequate meal
which is meat, Bread, dessert, three vegetables and Beverage. Here its always 2 vegetables,
Dessert, sometimes meat, watery juice or coffee. Sometimes 1 sugar or no sugar. When its
supposed to be two sugars. There is never salt or pepper. Hot food is supposed to be served
Hot, not cold or still slightly frozen. Since arriving at 29 I building I have yet
to receive a Hot or warm tray. This causes Contamination. I've lost several pounds
Since being housed at parchman and have lost focus for lack of an adequate meal

lockdown:

I've been on lockdown since about 3-13-17 this time. Something happen in another building and the whole unit is locked down, That's Corporal Punishment. To punish every one for someone else. It also defies the purpose for disciplinary. I've been locked in a two man cell coming out Monday, Wednesday, and Friday, or sometimes once a week for 10 minutes a day. I'm on a maximum lockdown in a two man cell. Two man cell's suppose to get 8 hours out of cell time and yard call. I'm not getting no time out at all. It's illegal to place two inmates on lockdown together never the less that's what's going on. Another time I was on lock down for months from to . It causes me a lack of sleep, stress, and weight loss knowing of the threat that was made on my life, and being constantly in and out of cells. People is steadily dying in M/S/P.

Corporal Punishment: When something happen in one unit or prison, Everyone gets punished commissary got because of a altercation in 29 H Building 1-5-17. That defeats the purpose for the disciplinary procedure. They have even got shorter on this lockdown.

Recreation: There is never a yard call or day call since March 12, 2017 ~~which was a day room call for two hours~~ which was a day room call for two hours. Since being in 29 I Building I have not recieved Recreation period. I've lost weight, and gotten stiff, Always hurting and am depressed for lack of Exercise.

Double Celling: I'm in a two man cell approx. 8x10 when Federal law requires 63 Square foot. I'm on lock down for nothing Lt. Says warden Timothy Morris said lock everyone down. Lt. Says warden Morris said Commissioner in Jan. 5. 2017 Say to lock us down and again 7 days after. I wrote the Commissioner once on or about March 12, 2017 and didnt get a reply and warden Morris approx March 14, 2017, There is no out of cell time.

Classification/Security/Substance Risk: I was Court ordered to Complete long term Therapeutic A/D to which Lt, Mitchell 30/B removed MB from housing to 30/D because she refused me my lunch & supper meals and refused to me as a white boy and I quote (you F---ing white boys are going to learn today) the next day I was then transferred ~~from~~ from 30/B to 30/D. And was wrote 2 RvRs for the something I have been Imprisoned 4 different times and have never had a RvR till coming to parchman I have Recieved 5. @ two being C/7's. The first C7 was in all actuality a plug in for State TV. 10 inch orsided of premiere Service Commissary and 2nd C7 finding a Bluetooth and charger in State issued Matt i had recieved that morning. I have had nothing but a good institutional record till coming to parchman. Classification/MDOC is violating that court order and violating My Constitutional Right to Education. there

are many facilities that house C-custody with Education. Instead I'm being forced to stay at a facility where a threat has been placed on my life. Also, since being here at Parchman I've gotten RvR's that are still pending from 2016. I've caught illegal RvR's that all violated my Due process for lack of investigation. Lack of Evidence, only based on Staff or Reporting officers Statement, which violated the "Same Evidence" Law, burden of proof, and Standards of Proof. I would never have caught these RvR's if I hadn't been sent to Parchman. And if that Lt. would not have been ~~refusing~~ refusing me, my State issued me and moved me from the program. Without right to do so.

Housing/Shelter:

there is a major infestation of Rats and Roaches Year Round and a problem with Mosquitos. In the Summer, Roaches crawl all over you, as well as Rats carry diseases as well as mosquitos. There is no Air Fans are on the tier not in the cells where the heat in the Summer I'm housed in Parchman for M.D.O.C. so it's M.D.O.C.'s Job to take care of me

Cause I'm unemployed and have a right 8th Amendment to be protected from Harm. I have to eat in the cell which is unclean, there is never cleaning supplies to clean the toilet, and floor. The toilet stinks and it's naturally unclean to eat in the bathroom, there is no cups, no ice, or water. I have to drink water out of the toilet because the sink is connected to the toilet. This cruel and unusual punishment. The Building leaks when it rains. The water is always extremely hot or extremely cold, I've caught a cold twice. Everyone catches colds at different times and pass it around. When I get well I get sick again from someone else. I can't get no assistance, the case manager is not allowed to help anyone only print time sheets and account balances. I can't get any copies and my file to do no litigation on my behalf.

Rights to media:

There's no indigent stamps, deoderant etc. no commissary to order nothing, no phone calls. I can't go to the library to file my legal work. M/S/P don't even let you hand mail the court here I've been cut off from society. I can't get a news paper because I can't get a stamp. I can't write my family either. I've tried to get my Social Security card, licenses which is permitted by house bill 585, but I'm denied. I'm denied education, Job, Dental. I can't get no help here in M/S/P no where My life is in danger here.

Certificate of Service

I Marcus A. Gilbert do hereby State that on this
6th day of April, 2017 Have mail Prepared Postage and a
true correct copy of the attach Instruments to the following

So Certify this the 6th day of April, 2017

Marcus Gilbert
Marcus Gilbert 159185
Unit 29 I cell #25 Bed #49
Parchman MS. 38738

Connie Dean #119603
MSP/White/E/A-Zone/Bed#51
Parchman MS 38738

MISSISSIPPI STATE PENITENTIARY
INMATE LEGAL ASSISTANCE PROGRAM
POST OFFICE BOX 10
PARCHMAN, MS 38738

STATE POSTAGE PAID
INMATE LEGAL MAIL
MISSISSIPPI STATE PENITENTIARY
PARCHMAN, MS 38738
THE ENCLOSED LETTER HAS NEITHER BEEN OPENED
NOR INSPECTED IF THE WRITER ENCLOSES ANY
MATERIAL NOT PERTAINING TO LEGAL BUSINESS OR
ENCLOSES CORRESPONDENCE OR FORWARDING TO
ANY OTHER ADDRESSEE PLEASE RETURN THE ENCLOSED
SURE TO THE ABOVE ADDRESS

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APR 10 2017

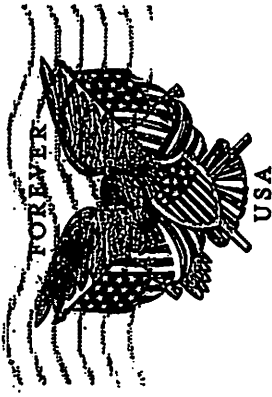
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

U.S. District Court Clerk
301 W. Commerce St

Lonnie Drain #119603
MSP / Unit 29 I / A-zone / Box #51
Parchman Ms 38738

JACKSON MS 390

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NORTHERN DISTRICT OF MISSISSIPPI

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Northern District of Mississippi
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